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Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

JONATHAN DAVID VIVAS,

Defendant.

CASE NO: 2:19-mj-931-DJA

**STIPULATION TO WITHDRAW PLEA
AND AMENDMENT OF COUNT ONE**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel for the United States of America, and Daniel F. Lippmann, Esq., counsel for Defendant, JONATHAN DAVID VIVAS, that the Defendant's plea be withdrawn, and count one be amended to Reckless Driving.

This Stipulation is entered into for the following reasons:

1. On January 7, 2020 at an initial appearance, the Defendant, Mr. Vivas, plead Nolo to Count one of the Complaint – Driving Under the Influence (DUI), counts two and three were dismissed. Mr. Vivas was ordered to complete a DUI and the Victim Impact Panel (VIP) course and was subject to a \$500.00 fine in addition to 64 hours of community service. Alternatively, Mr. Vivas could pay an additional \$640.00 plus \$10.00 Administrative fee in lieu of community service. He was further ordered to Stay Out of Trouble for one year or stay away from Lake Mead.

2. If all requirements were successfully completed the DUI charge would be withdrawn and a reduced charge of Reckless Driving would be entered.
3. Per the August 18, 2020 Minute Order, the court has verified with the clerk of court that the \$500.00 fine, \$10.00 penalty assessment and \$640.00 in lieu of community service has been paid in full.
4. The Defendant has stayed out of trouble since the January 7, 2020 initial appearance.
5. All requirements having been met, count one to be amended to a reduced charge of Reckless Driving.
6. The defendant shall plead guilty to Amended Count 1 and the parties request the same sentence be imposed.

STIPULATED this 24th day of August, 2020.

s/Rachel Kent
RACHEL KENT, ESQ.
Assistant United States Attorney

s/Daniel F. Lippmann
DANIEL F. LIPPMANN, ESQ.
Nevada Bar No. 11636
Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

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ORDER

The Court having considered the Stipulation between the Plaintiff, United States of America, by and through Nicholas A. Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, and Defendant, JONATHAN DAVID VIVAS, by and through DANIEL F. LIPPMANN, ESQ. and good cause appearing therefore,

IT IS THEREFORE ORDERED that the Defendant's no contest plea entered on January 7, 2020 is withdrawn.

IT IS THEREFORE ORDERED count one is amended to a reduced charge of Reckless Driving.

IT IS THEREFORE ORDERED that the court accepts the defendant's plea of guilty to the amended charge of Reckless Driving and that the sentence entered on January 7, 2020 is imposed.

DATED this 25th day of August, 2020.



Daniel J. Albregts
United States Magistrate Judge